

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

THOMAS K. MILLS,

Plaintiff,

v.

ZACHERY JONES, et al.

Defendants.

No. 1:23-cv-01214-JLT-SAB (PC)

ORDER DENYING PLAINTIFF'S MOTION
FOR STIPULATED PROTECTIVE ORDER

(ECF No. 58)

Plaintiff is proceeding pro se and in forma pauperis in this action filed pursuant to 42 U.S.C. § 1983.

Currently before the Court is Plaintiff's motion for a stipulated protective order, filed April 29, 2024. (ECF No. 58.) Defendants filed an opposition on April 30, 2024. (ECF No. 59.)

Plaintiff contends that "[d]iscovery in this action is likely to involve production of confidential, proprietary, or private information for which special protection may be warranted. Accordingly, the parties hereby stipulate to and petition the court to enter the following stipulated protective order." (ECF No. 58 at 2-3.) Defendants object to latter sentence as a misrepresentation to the Court, by Plaintiff, under penalty of perjury. Defendants submit that there has never been a discussion between the parties regarding a protective order. (ECF No. 59, Declaration of Matthew R. Stohl (Stohl Decl.) ¶ 2.) Nor did Defendants agree to a protective order or advise Plaintiff he could make such representation to the Court on their behalf. (Id. ¶ 4.)

1 Defendants proffer that should a protective order become necessary, they will meet and confer
2 with Plaintiff at that time, but at the present time they request Plaintiff's motion be denied. (ECF
3 No. 59 at 2.)

4 Because Defendants did not stipulate the protective order submitted by Plaintiff, and there
5 is no showing as to the necessity for a protective order, Plaintiff's motion is DENIED. Plaintiff is
6 advised and cautioned to refrain from signing documents under penalty of perjury unless all of the
7 statements included therein are true and correct. Fed. R. Civ. P. 11(b). Plaintiff is warned that
8 any future misuse of the litigation process may result in sanctions. See Fed. R. Civ. P. 11(c).

9
10 IT IS SO ORDERED.

11 Dated: May 1, 2024


UNITED STATES MAGISTRATE JUDGE